

**PATENT APPLICATION**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Kenji HASHIMOTO et al.

Application No.: 09/623,023

Filed: October 20, 2000

For: FUEL CELL AND MANUFACTURING METHOD OF SEPARATOR FOR USE IN  
FUEL CELL (as twice amended)

Group Art Unit: 1745

Examiner: S. N. Tsang Foster

Docket No.: 107016

**REQUEST FOR RECONSIDERATION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In further reply to the December 20, 2002 Final Office Action, and further to the June 19 Amendment After Final Rejection, Notice of Appeal, to the July 9, 2003 Advisory Action, and further to the enclosed Request for Continued Examination, reconsideration of the rejections and assertions is respectfully requested in light of the following remarks.

Claims 9, 13, 14 and 17-19 are pending.

Applicants gratefully acknowledge that the Final Office Action indicates that claims 13, 14 and 17 are allowed. However, Applicants assert that all pending claims are allowable for the reasons discussed below.

Reconsideration based on the following remarks is respectfully requested.

The Advisory Action asserts that the June 19, 2003 Amendment to claim 19 introduces new matter. This assertion is respectfully traversed.



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Claim 9 was previously amended to incorporate features “the first and second separators each are divided into a second plurality of spaced plates in contact with the divided electrode plates”, and claim 18 with “divided first and second separators” was similarly amended. These features are supported in the specification at page 9, lines 8-29 (as originally filed, corresponding to page 10, line 6 through page 11, line 4 of the July 10, 2002 substitute specification) and Fig. 3. No new matter was introduced by the June 19, 2003 Amendment.

Claim 9 is finally rejected under 35 U.S.C. §112, second paragraph, as being indefinite. Claim 9 was previously amended to obviate this rejection. Withdrawal of the rejection under 35 U.S.C. §112 is respectfully requested.

Claims 9 and 18 are rejected under 35 U.S.C. §102(b) over Japanese Patent Publication 06-052881 to Shimozu *et al.* (Shimozu). Further, claims 9, 18 and 19 are rejected under 35 U.S.C. §103(a) over Japanese Patent Publication 05-074469 to Osuga in view of U.S. Patent 6,228,518 to Kindler, Japanese Patent Publication 61-284064 to Tsutsumi *et al.* (Tsutsumi) and U.S. Patent 4,648,955 to Maget. These rejections are respectfully traversed. Arguments for these traversals are provided on pages 8-12 of the June 19, 2003 Amendment. Applicants respectfully request withdrawal of the 35 U.S.C. §§102 and 103 rejections of claims 9, 18 and 19.

For at least these reasons, Applicants respectfully assert that the claims are now in condition for allowance. In view of the foregoing remarks, Applicants respectfully submit that this application is in condition for allowance. Favorable consideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further is desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the telephone number listed below.

Respectfully submitted,



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JAO:GWT/gwt

Date: August 13, 2003

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